

006 # 150

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Subpoena Issued to
PRICEWATERHOUSECOOPERS LLP,

Miscellaneous Action No:
M8-85

for the Action Entitled *In re Organogenesis, Inc.*
Securities Litigation, Civil Action No. 1:04CV10027-
JLT, Pending in the United States District Court for the
District of Massachusetts.

MEMO ENDORSED

**PETITIONERS' NOTICE OF MOTION AND MOTION
TO COMPEL THIRD PARTY PRICEWATERHOUSECOOPERS LLP
TO COMPLY WITH SUBPOENA DUCES TECUM**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the Declaration of Peter Sloane, executed on February 16, 2007, and the exhibits attached thereto, Petitioners, by their counsel, will move this Court, before the Part I Judge sitting at the U.S. Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, on Tuesday, March 6, 2007, at 11:00 A.M., for an Order pursuant to Rule 37 of the Federal Rules of Civil Procedure (a) compelling PricewaterhouseCoopers LLP ("PwC") to produce all documents responsive to the Subpoena within 7 days at PwC's offices in New York City (or such other location as the parties may mutually agree); (b) compelling PwC to produce immediately all transcripts of depositions and documents previously produced in the action entitled *Bricoleur Capital Management, et al., v. Organogenesis, Inc., et al.*, Case No. GIC 792828 (Cal. Sup. Ct.) that are in PwC's possession; (c) directing that Petitioners shall pay the reasonable costs of

copying and shipping the responsive documents to Petitioners, but shall otherwise not be

Motion transferred to Judge Tauro, District of Massachusetts.
For oral opinion, see record of proceedings. I agree with the opinion
of my distinguished colleague Judge Haight in *Stanziale v. Pepper*
Hamilton v. H.P., 2007 U.S. Dist. LEXIS 11320 (S.D. N.Y. Feb. 8, 2007).
So ordered.
March 6, 2007

Miriam Goldman Cedarbaum,
United States District Judge

FILED
U.S. DISTRICT COURT
S.D. N.Y.
2007 FEB 27 PM 4:39

7/1/07
- 1024
5162700